



**CITY OF COLWOOD  
BYLAW NO. 1812**

**A BYLAW FOR THE LICENCING AND REGULATION OF BUSINESSES**

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**WHEREAS** Section 8(6) of the *Community Charter* authorizes the City to regulate, by bylaw, in relation to business;

**AND WHEREAS** the Council of the City deems it advisable to regulate the operation of businesses within the City;

**AND WHEREAS** pursuant to Section 14 of the *Community Charter*, two or more municipalities may, by bylaw adopted by the Council of each participating municipality, establish an inter-municipal scheme in relation to one or more matters;

**AND WHEREAS** pursuant to Section 59 of the *Community Charter*, Council may delegate Council authority to a municipal officer or employee to issue, revoke, suspend, or cancel a business licence;

**AND WHEREAS** pursuant to Section 15(1) of the *Community Charter*, Council may provide terms and conditions that may be imposed for obtaining, continuing to hold or renewing a Licence, permit or approval and specify the nature of the terms and conditions and who may impose them;

**NOW THEREFORE**, the Council of the City in open meeting assembled, enacts as follows:

**1. CITATION**

This Bylaw may be cited for all purposes as the “City of Colwood Business Licence Bylaw No. 1812, 2020”.

**2. REPEAL**

Bylaw No.1617, being the “Colwood Business Licence Bylaw, 2016” is repealed.

## Part 1: Interpretation

### 3. TERMS AND DEFINITIONS

a) In this Bylaw;

“**Applicant**” means the person who is applying to the City for a permit;

“**Agent**” means a person or persons who act(s) on behalf of another person or persons by authority from them to do business within the City and who charges or receives a commission or other payment for so doing;

“**Business**” means as defined by the *B.C. Community Charter*.

“**Cannabis**” means any part of the cannabis plant including its preparations and derivatives but does not include: a non-viable seed of a cannabis plant; a mature stalk of a cannabis plant, without any leaf, flower, seed, or branch, and fiber derived from such stalks; or the roots of any part of the root of a cannabis plant.

“**City**” means the City of Colwood;

“**Charter**” means the *Community Charter* [SBC 2006] Chapter 26 as amended from time to time;

“**Commercial**” means any business other than a home-based, Intermunicipal, daily, or non-resident business;

“**Council**” means the Council of the City;

“**Director**” means the Director of Engineering and Development for the City, or his or her designate

“**Home Crafts/Home Occupation**” means an occupation or profession which is clearly incidental to the use of a dwelling unit for residential purposes (operated from a private residence), or to the residential use of a lot occupied by a dwelling, which conforms to the home occupation requirements of the City’s Land Use Bylaw.

“**Intermunicipal Business Licence Agreement**” means an agreement in the form attached to “*Intermunicipal Business Licence Agreement Authorization Bylaw, No. 507, 1999*”.

“**Inter-Community Business Licence Agreement**” means an agreement in the form attached to “*Inter-Community Business Licence Bylaw, No. 1813, 2020*”

“**Intermunicipal Licence**” means a business Licence issued by the Licence Inspector of the City or another participating City, and issued pursuant to the Greater Victoria Intermunicipal Business Licence Agreement;

“**Inter-Community Licence**” means a business Licence issued pursuant to the Vancouver Island Inter-Community Business Licence Agreement;

“**Land Use Bylaw**” Means the City’s Zoning Regulation/Land Use Bylaw

“**Licence**” means a licence pursuant to this bylaw.

“**Licence Inspector**” means a person appointed or designated as a Licence Inspector pursuant to section 9(b) of this Bylaw.

“**Non-Resident Business**” means a business, other than a resident business, carried on within the City or with respect to which any work or service is performed within the City and that does not hold a valid Intermunicipal Business Licence or office location within the City.

“**Participating Municipality (Intermunicipal)**” means a local government party to the Intermunicipal Business Licence Agreement and standardization of Business Licence fees, and any other municipalities that adopt the bylaw at a later date.

“**Participating Municipality (Inter-Community)**” means any Vancouver Island local government that has adopted an Inter-Community Business Licence Bylaw and any other Vancouver Island municipalities that adopt the bylaw at a later date.

“**Person**” includes a corporation, partnership, proprietorship, firm, and the personal or other legal representative of a person to whom the context may apply under this bylaw, which may also be the “Applicant” or “Agent” as defined in this bylaw.

“**Resident Business**” means a business carried on in or from premises located within the territorial boundaries of the City.

“**Temporary Use Permit**” means a permit authorized by section 493 of the Local Government Act;

“**Trade Qualification**” means written evidence that a person has completed an apprenticeship or is certified for a specific trade with the Ministry of Ministry of Jobs, Tourism and Skills Training.

#### **4. HEADINGS AND SCHEDULES**

- a) The headings preceding each section of this bylaw are provided for ease of reference only and do not limit or affect the interpretation of the section that they precede.
- b) The schedules attached to this bylaw are an integral part of this bylaw and are enforceable in the same manner as any other provision of this bylaw.

## 5. WORDS NOT DEFINED IN THIS BYLAW

- a) All other words and phrases appearing in both this bylaw and the *Community Charter*, but not specifically defined in this bylaw, shall bear the same meaning in this bylaw as they bear where they appear in the *Community Charter*.

## Part 2: Business Regulations

### 6. GENERAL REGULATIONS

- a) The issuance of a Licence is not a representation or warranty by the City that the Business or proposed Business authorized or to be authorized by the Licence complies with any or all applicable bylaws or enactments. The Business owner remains responsible to ensure compliance with all bylaws and enactments.
- b) No person shall carry on within the City, any business unless they are the holder of a valid and subsisting Licence issued to him or her under this bylaw by the Licence Inspector, or a valid and subsisting Intermunicipal Licence or Inter-Community Licence.
- c) No person or their representative shall advertise the carrying on of a Business within the City without first obtaining a Business Licence.
- d) Every owner or operator of a business shall comply with all bylaws of the City and all applicable laws, rules, codes, regulations, and orders of all federal or provincial authorities having jurisdiction over such business.
- e) No person shall occupy or permit occupancy of a new or remodeled premise for the purpose of carrying on a business unless the Building Official has issued and completed a valid building permit for the premise.
- f) No person shall offer for sale, lease or rent, any goods or merchandise on any streets, boulevards, parks, or recreation facilities within the City, unless permission is obtained from City Council through a licence of occupation, contract, special event permit or other approval deemed appropriate by Council.
- g) A separate business Licence shall be obtained in respect of each premises used for business purposes.

## 7. LICENCE REQUIREMENTS AND GENERAL RESTRICTIONS

- a) Any person in charge or control of premises where a Business is carried out on or practiced shall at all times keep the Business Licence prominently displayed in a public area in clear view of users of said business. If a Licencee does not maintain Business Premises, the Licencee shall carry the Licence on their person at all times while engaged in the Business.
- b) Every holder of a Licence shall notify the City immediately of any change in the mailing and/or business address, classification of business, area of the premises or any alteration to the premises in which the business is carried out.
- c) Every holder of a Licence shall notify the City immediately upon termination of the carrying on of the business by the Licence holder, and the holder shall surrender the Licence to the City.
- d) No person shall carry on a business upon any premises or offer services other than those specifically authorized by their Business Licence.
- e) No person shall operate a business after receiving notice from the City that the Licence for that business has been suspended or cancelled.
- f) No person shall change their place of business without first obtaining a transfer of his Licence in respect thereto and the particulars of such transfer shall be endorsed on the Licence by the Licence Inspector.
- g) Every Licence shall be considered as a personal Licence to the Licencee and shall not be transferable to any other person, without approval from the Licence Inspector.
- h) Prior to making any change in the nature, character, kind or description of the business carried on by the holder of a business Licence within the City, or prior to commencing to operate any further or additional business within any premises, the Licence holder shall submit an application for a transfer, change in scope or new business licence if needed, and pay the applicable fee set out in the *Colwood Development Fees and Charges Bylaw As Amended* from time to time, and shall obtain such further or additional business Licences as deemed necessary by the Licence Inspector.
- i) In order to qualify for an intermunicipal licence for a type of business listed in Schedule "B", the person must hold a valid business licence for an office location from the participating City in which their office is located. This may include a "Home Crafts/Home Occupation" location. In the case of multiple office locations, a licence is required for each office location.

- j) When one or more businesses operate within the same floor area and are registered as separate businesses for reasons of taxation, each and every business shall have a commercial Licence.
- k) No person, being the holder of a non-resident Business Licence, shall carry on such business in or from premises located within the City.
- l) For business activities that produce liquid wastes, any liquid wastes discharged to the City's sanitary sewer must meet requirements of the CRD Regional Source Control Bylaw as amended from time to time.

## 8. EXEMPTIONS

- a) A business Licence is not required for any of the following:
  - i. For any activity carried on by the government, its agencies or government owned corporations;
  - ii. For any business operating solely on Federal Crown Land;
  - iii. An educational course or program provided by a community or continuing education facility, or by a school operated pursuant to the *School Act*, S.B.C. 1996 or successor legislation, including fundraising activities to support such programs; or,
  - iv. Mobile transportation services (excluding offices located within the City) provided by persons with a valid Passenger Directed Vehicle (PDV) or Transportation Network Service (TNS) Licence issued by the Passenger Transportation Board.

## 9. LICENCING AUTHORITY

- a) Words defining the responsibilities and authority of the *Licence Inspector* shall be construed to be an internal administrative direction and not as creating a duty.
- b) Council has appointed the Director of Engineering and Development and his or her designates to serve as the Licence Inspector and deputy Licence Inspectors, who are authorized to carry out and administer the provisions of this Bylaw.
- c) Licence Inspectors shall have power to grant, issue or transfer Licences as hereinafter provided and subject to the provisions of the appropriate sections of the *Charter*.
- d) Licence Inspectors may grant a business Licence if they are satisfied that the applicant has fulfilled the requirements of this and all other City Bylaws, as well as applicable federal and provincial enactments, and that all Licence fees, and any outstanding fees or fines owed to the City in relation to the Business, or any other Business operated by the same applicant, have been paid.

- e) Licence Inspectors may grant or amend a business licence subject to reasonable measures including any one or more of the following to meet the conditions of Section 9(d) of this bylaw:
  - i. Hours of operation;
  - ii. The effective period of the Licence;
  - iii. Measures to reduced nuisance or negative impacts on the surrounding community;
  - iv. Measures to address issues of health or safety;
  - v. Measures to ensure compliance with the regulations of this and other applicable City bylaws or provincial or federal regulations; and,
  - vi. Other terms and conditions that the Licence Inspector reasonably considers necessary or desirable to ensure compliance with this bylaw or another enactment.
  
- f) Licence Inspectors shall have the power to refuse to issue a Licence subject to the provisions of the Charter.
  - i. In the event of a refusal, the Licence Inspector shall provide a timeframe of not less than 10 business days for the applicant to contact the City to arrange for an appeal to Council if the applicant alleges that the refusal is unreasonable.
  - ii. The Licence Inspector shall advise applicants of their right to request written reasons for the refusal, as well as their right to appeal the refusal to Council if they feel that the refusal is unreasonable.
  
- g) Licence Inspectors shall have the power to suspend Licences subject to the provisions of the Charter, provided that:
  - i. In the event of a suspension, the Licence Inspector shall provide a timeframe of not less than 2 business days for the licence holder to contact the City to propose potential solutions before the intent to issue a suspension is acted upon.
  - ii. The Licence Inspector shall advise applicants/licence holders of their right to request written reasons for the suspension, as well as their right to appeal the suspension to Council if they feel that the suspension is unreasonable.
  - iii. A notice of the suspension of a Business Licence shall be in writing, signed by the Licence Inspector forwarded to the Licencee by registered mail or email to the address given in the application for the Business Licence.
  - iv. A notice of suspension may be posted by the Licence Inspector, Chief Building Inspector, Fire Chief, Bylaw Enforcement Officer or any appointed officer of the City delegate, upon the premises for which the business Licence was issued and such notice shall not be removed until the business Licence is reinstated or the business ceases to occupy the premises.
  
- h) Licence Inspectors shall have the power to cancel or revoke a suspended Business Licence subject to the provisions of the Charter, provided that:

- i. In the event that a licence is suspended and the licence holder does not appeal the suspension, the licence inspector shall notify the licensee holder of the intent to cancel/revoke the licence.
  - ii. In the event of a notice of intent to cancel/revoke the licence, the Licence Inspector shall provide a timeframe of not less than 5 business days for the Licence holder to contact the City to propose potential solutions before the intent to cancel/revoke the licence is acted upon.
  - iii. A notice of the cancellation/revocation of a Business Licence shall be in writing, signed by the Licence Inspector forwarded to the Licensee by registered mail or email to the address given in the application for the Business Licence;
  - iv. The Licence inspector shall advise applicants/licence holders of their right to request written reasons for the cancellation/revocation, as well as their right to appeal the cancellation/revocation to Council if they feel that the cancellation/revocation is unreasonable.
- i) Subject to the applicable section of the Charter, if a Licence Inspector refuses to issue a business Licence, suspends a Licence, or cancels/revokes a Licence, the applicant or Licensee is entitled to have Council reconsider the matter, in which case the following procedures shall apply:
    - i. If an applicant or Licensee wishes to have Council reconsider a decision of the Licence Inspector, they must deliver to the Licence Inspector a written request stating the grounds upon which the request for reconsideration is based;
    - ii. The Licence Inspector will notify the applicant or Licensee of the time and place at which Council will reconsider the decision. The applicant or Licensee or their representative may appear before Council and present their reasons for the appeal, and upon such appeal Council may confirm or set aside the suspension, or refusal on such terms as Council may deem fit; and,
    - iii. Council may revoke or cancel a suspended Business Licence for reasonable cause after giving notice to the Licensee, and after giving the Licensee or their representative an opportunity to be heard.

### **Part 3: Application Requirements**

#### **10. LICENCE APPLICATIONS**

- a) The application for a Licence for the shall be in the form or forms prescribed from time to time by the Licence Inspector.
- b) The Licence Inspector is hereby authorized to modify the forms prescribed, or any of the administrative procedures prescribed as deemed necessary by the Licence Inspector.
- c) No person shall make any material misrepresentations on a Business Licence application.



- d) Licence applicants shall pay in advance therefore, to the Licence Inspector, the Licence application fee specified in Schedule "A" attached hereto and made part of this bylaw.
- e) Licence application fees are non-refundable.
- f) No Business Licence shall be issued until the Licence application fee, as set out in the *Colwood Development Fees and Charges Bylaw* as Amended from time to time, has been paid to the City.
- g) The application shall be completed by an owner of the business or an Agent, provided that in the case of partnerships or multiple owners, an agent must be appointed to serve as the only authorized agent of all the owners or partners for the application and related correspondence.
- h) The application form shall be delivered to the Licence Inspector and may be accompanied by appropriate plans and layouts of the resident business indicating Building Code and bylaw compliance and square meters as deemed necessary by the Licence Inspector.
- i) At the time of application, *or after review by the city*, the applicant shall provide any reports, drawings, and plans deemed reasonably necessary by the Licence Inspector to determine if the business complies with City Bylaws. This may include (but is not limited to):
  - i. A site plan;
  - ii. a plan or sketch showing the layout of the proposed location and floor area of the business within the premises and parking locations;
  - iii. proof of property, vehicle and/or comprehensive liability insurance coverage;
  - iv. confirmation by a competent authority satisfactory to the Licence Inspector of compliance with applicable provincial or federal regulations;
  - v. A copy of valid up-to-date incorporation documents setting out the current head office and directors of the corporation;
  - vi. A survey certificate (prepared by a qualified land surveyor ABCLS);
  - vii. A recent title certificate dated within 5 days of the application, including copies of any registered covenant, easement and or right of way
  - viii. Servicing details; and,
  - ix. Other studies or reports as deemed necessary by the Licence Inspector.
- j) For the purposes of this bylaw, a qualified person's report will only be accepted by the Licence Inspector within twelve (12) months of its issue date. The City will not accept studies or reports older than one (1) year without a covering letter from the author certifying that the conditions and findings of the study have not changed.

- k) Any person applying for a business Licence for any of the following types of businesses shall submit to the City, prior to the issuance of a business Licence, proof of the following, satisfactory to the Business Licence Inspector
  - i. Demolition or hazardous products – registration with WorkSafeBC;
  - ii. Aesthetician including laser treatments – certificate from Board of Cosmetology and Island Health approval;
  - iii. Day care center – Island Health permit to operate;
  - iv. Tattoo Parlors – Island Health approval to operate;
  - v. an automobile dealership - proof that Provincial Licensing requirements under the *Motor Dealers Act* have been met by the Applicant;
  - vi. a Cannabis Store or producer - proof that all provincial and federal Licensing requirements have been met by the applicant;
  - vii. Any other trade or occupation that is subject to regulation, approval or Licensing under any Provincial or Federal statute – a copy of such approval, qualification, or Licence. For example, a Registered Massage Therapist must provide proof of Accreditation by the Registered Massage Therapists' Association of BC.

#### **Part 4: Intermunicipal Licences**

##### **11. INTERMUNICIPAL LICENCE AGREEMENT**

- a) Subject to the applicable sections of the Intermunicipal Licence Agreement, the Licence Inspector is hereby authorized to issue Intermunicipal Licences for businesses that have an office location within the City.
- b) All Intermunicipal Business Licences issued by participating municipalities are subject to all bylaws within the jurisdiction in which they are working.
- c) An application for a Licence to carry on a type of business listed in Schedule “A” shall be treated as an application for an Intermunicipal Business Licence and the Licence Inspector shall only issue an Intermunicipal Business Licence in respect of such business if its office is located in the City.

#### **Part 5: Inter-Community Licences**

##### **12. INTER-COMMUNITY LICENCE AGREEMENT**

- a) Subject to the applicable sections of the *Inter-Community Business Licence Bylaw, No. 1813, 2020 and amendments*” Licence Inspector is hereby authorized to issue Inter-Community Licences for businesses that have an office location within the City.
- b) All Inter-Community Business Licences issued by participating municipalities are subject to all bylaws within the jurisdiction in which they are working.

- c) An Inter-Community shall be valid for the mobile portions of the business only. A separate Licence shall be required for the business premises.

## **Part 6: Mobile Food Vehicles**

### **13. MOBILE FOOD VEHICLES**

- a) An application for a business Licence to operate a Mobile Food Vehicle shall be accompanied by the following, to the satisfaction of the Licence Inspector
  - i. Evidence of motor vehicle liability insurance, comprehensive public liability insurance and property damage insurance, insuring the City of Colwood as a third party insured, in the minimum amount of \$5,000,000 inclusive;
  - ii. Evidence of approval from Vancouver Island Health Authority;
  - iii. Details of each location within the City on which the applicant intends to operate the vehicle; and,
  - iv. The written consent of the property owner of each location on which the applicant intends to operate the vehicle.
- b) Mobile Food Vehicles shall be limited to operate on properties with zoning that permits a restaurant use (unless for a City-sanctioned event/permit);
- c) The vehicle and the business shall be operated so as not to impede other vehicles, pedestrian movement, or access for public or emergency vehicles on or to any property.
- d) Sufficient and suitable garbage collection containers shall be provided and maintained by the Licencee, and the area around the vehicle shall be kept free of any waste material originating from the business.
- e) The Business Licence, VIHA approval and Food Safe certificates shall be prominently displayed on the vehicle at all times.
- f) The vehicle shall be at all times located completely on private property (unless for a City-sanctioned event/permit).
- g) Each vehicle must be equipped with at least one 5lb multipurpose, ABC rated dry chemical fire extinguisher or the type and number of fire extinguishers as required by the City of Colwood Fire Department or the current edition of the BC Fire Code.
- h) Each vehicle where cooking will take place inside (hereby known as "Class 1"), must be equipped with an approved fixed extinguisher system. This system must be installed, serviced and maintained by qualified personnel. This includes having an approved K Class fire extinguisher to the satisfaction of the Colwood Fire Department.

- i) For the purpose of subsection (h), “cooking” does not include food preparation activities limited strictly to the to the warming of food and the boiling of water.

## **Part 7: Renewals**

### **14. LICENCE RENEWALS**

- a) Every person who has received a business Licence from the City and continues to carry on business in the City in subsequent calendar years must have their business Licence renewed each year and shall report any changes in its operations or the ownership.
- b) It shall be incumbent upon each person to renew such Licence prior to the beginning of each Licencing period as long as such business is being carried on.
- c) Other than those Licences explicitly mentioned in Sections 13(f), new Licences issued shall must be renewed annually by completion of a renewal from prescribed by the City. Licences shall not expire unless the annual renewal has not been submitted, or the Licence has been suspended, or Licencee has advised that the business ceases to exist.
- d) Failure to complete the licence renewal form by the deadline indicated will result in an invalid business Licence and will require the business to reapply and pay the business Licence fee as prescribed in the *Colwood Development Fees and Charges Bylaw* as Amended from time to time.
- e) Notwithstanding Section 14(D), a business Licence issued for a business that is enabled through a Temporary Use Permit (TUP) shall expire in conjunction with the expiry of the TUP. It shall be incumbent upon the business owner to apply for a new Licence by 4:30 pm on the last business day in January of the current year if the TUP is renewed or if the property is rezoned.

## **Part 8: Vehicles for Hire**

### **15. VEHICLES FOR HIRE**

- a) Every person who provides transportation services must carry a copy of their PVD or TNS Licence on their person at all times while engaged in the Business.
- b) Nothing in Sections 8 or 15 of this bylaw relieves a person from obtaining a valid business Licence for a taxi stand, taxi office, home office, call/dispatch center, or other similar business location within the City of Colwood.

**Part 9: Inspections****16. ACCESS**

- a) No person shall obstruct the Licence Inspector, Chief Building Inspector, Fire Chief, Bylaw Enforcement Officer or any appointed officer of the City engaged in the administration or enforcement of this bylaw.
- b) The Licence Inspector, Chief Building Inspector, Fire Chief or designate, Bylaw Enforcement Officer or any appointed officer of the City are hereby authorized to enter at all reasonable times, any house, premise, vehicle or other place in respect of which a Licence has been applied for or granted pursuant to this Bylaw, to ascertain whether the regulations and provisions of this, or any other Bylaw or amendments thereto relating to business in the City are being observed.

**Part 10: Fees and Charges****17. LICENCE APPLICATION FEES**

- a) The fees for applications and permits are as described in the *Colwood Development Fees and Charges Bylaw*, as Amended from time to time.
- b) Any and all legal fees incurred by the City for the preparation, review, and registration of necessary legal documents shall be reimbursed by the applicant prior to final consideration of the Licence. This includes but is not limited to:
  - i. Covenants
  - ii. Statutory Rights of Way
  - iii. Licences of Occupation

**Part 11: Enforcement****18. FINES AND TICKETING**

- a) Every person who contravenes a provision of this Bylaw commits an offence, and each day that the violation is caused or allowed to continue constitutes a separate offence.
- b) Any person guilty of a violation of this Bylaw is liable on summary conviction to a fine of not less than \$100.00, or \$100.00 for each day the business is in violation of this or any other Bylaw.
- c) Any person guilty of an infraction of this Bylaw is liable on summary conviction to a fine of not more than \$10,000.00, or imprisonment not exceeding the maximum

allowed by the Offence Act.

- d) This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of s. 264 of the *Community Charter*.
- e) The Licence Inspector, Chief Building Inspector, Fire Chief, Bylaw Enforcement Officers or any appointed officer of the City are authorized to enforce this Bylaw pursuant to the *Community Charter*.

**READ A FIRST TIME** on this the 25<sup>th</sup> day of May, 2020.

**READ A SECOND TIME** on this the 25<sup>th</sup> day of May, 2020.

**READ A THIRD TIME** on this the 25<sup>th</sup> day of May, 2020.

**ADOPTED BY THE MUNICIPAL COUNCIL OF THE CITY OF COLWOOD** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**Rob Martin, Mayor**

\_\_\_\_\_  
**Selina Williams, Corporate Officer**

**SCHEDULE "A" – Intermunicipal Business Categories**  
*(Includes but is not limited to)*

Catering	Handyman Service	Pet Sitter
Cleaning Service	Hauling Service	Pet Grooming - Mobile
Contractor - All Types	Inspection Service	Photographer
Courier Service	Janitorial Service	Pickup/Delivery Service
Development Company	Limousine Service	Repair Service
Diver	Locksmith	Restoration Service
Entertainment	Manufacturers Agent	Security Service
Company	Mechanic - Mobile	Taxi Service
Fuel Dealer	Personal Service	Towing Service
Guide Service	Pest Control	Trucking Service
Hairdresser/Barber - Mobile		